

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SKYLER SHELDON,

*Plaintiff,*

v.

Civ. No: 23-CV-813 KWR/KRS

THE UNIVERSITY OF NEW MEXICO,  
*a public university,*  
THE UNIVERSITY OF NEW MEXICO  
BOARD OF REGENTS,  
*in their official capacities,*  
ANGELA CATENA,  
*in her official capacity,*  
MICHELLE SANCHEZ,  
*in her official capacity,*  
and  
BEN ZINKE,  
*in his official capacity,*

*Defendants.*

**PLAINTIFF SHELDON'S DECLARATION IN SUPPORT OF HIS RENEWED  
MOTION FOR A TEMPORARY RESTRAINING ORDER**

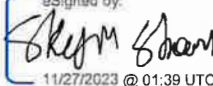
I, Skyler Sheldon, under 28 U.S.C. § 1746, declares under penalty of perjury that the foregoing is true and correct:

1. I am the Plaintiff in the above captioned case, and I am of sound mind and body and fully capable of making this declaration.
2. I have reviewed the pleadings filed in this case.
3. Nobody from the University of New Mexico (hereinafter "UNM") has ever provided me with any formal complaint of any sort related to this case.

4. Under federal regulations that dictate how Title IX grievance investigations are to be held, UNM must have a formal complaint before proceeding to a formal Title IX investigation. *See* 34 C.F.R. § 106.44(b)(1).
5. Under federal regulations that dictate how a Title IX hearing can be held to determine whether sexual harassment occurred, UNM must “follow a grievance process that complies with § 106.45 *before the imposition of any disciplinary sanctions or other actions*” can be taken against me. *See* 34 C.F.R. § 106.44(a) (emphasis added).
6. In this case, UNM never possessed a formal complaint as defined by federal law. *See* 34 C.F.R. § 106.30(a) (defining a “formal complaint” as “a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment”).
7. By proceeding to have a formal investigation and a Title IX hearing to be held on November 29, 2023 at 9 a.m. all without a formal complaint, UNM is taking “other actions” against me in violation of federal law.
8. Likewise, UNM failed to follow the procedures outlined under 34 C.F.R. § 106.45(b) that are required before holding a hearing or even considering whether to impose disciplinary sanctions against me.
9. UNM failed to provide me with proper notice of the allegations as required under 34 C.F.R. § 106.45(b)(2), by:
  - A. Failing to ensure that UNM’s grievance process complies with 34 C.F.R. § 106.45(b)(2);
  - B. Failing to inform me that my advisor could be an attorney;

- C. Failing to inform me that I could inspect and review the evidence to be presented against me;
  - D. Failing to notify me that UNM's grievance process complied with 34 C.F.R. § 106.45(b)(2);
  - E. Failing to notify me that UNM's grievance process allowed me to have my case resolved informally.
10. More problematic is UNM's complete failure to provide me with "written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate." *See* 34 C.F.R. § 106.45(b)(5)(v).
11. I was never provided with notice of a single witness interview in UNM's Title IX case against me.
12. All of these past violations of federal law disqualify UNM from proceeding with a formal investigation in my case, holding a Title IX hearing, or imposing any sort of disciplinary action against me. *See* 34 C.F.R. §§106.44(b)(1); 106.45(b).
13. Accordingly, I ask that the Court enter an emergency order declaring that UNM's Title IX hearing on November 29, 2023 at 9 a.m. will be in violation of federal Title IX law as addressed above and in the pleadings filed to date in my case and that no disciplinary action can be taken against me following that hearing no matter what the outcome of that hearing may be.

Executed on November 27, 2023.

eSigned by:  
  
11/27/2023 @ 01:39 UTC

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Skyler Sheldon

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**Skyler Sheldon**  
skyler.sheldonn@gmail.com

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